

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS PETERSON,

Defendant.

4:15CR3076

ORDER

The government has moved to continue the trial currently set for March 28, 2016. (Filing No. 26). As explained in the motion, a material and necessary witness is not available during the current trial setting. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) The government's motion to continue, (filing no. 26), is granted.
- 2) The trial of this case is set to commence before the Honorable Richard G. Kopf, Senior United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on July 11, 2016, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in the government's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date outweigh the interest of the defendant and the public in a speedy trial. Accordingly,
 - a. the additional time arising as a result of the granting of the motion, the time between March 28, 2016 and July 11, 2016, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately present this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).
 - b. Failing to timely file an objection to this order as provided in the local rules of this court will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

March 5, 2016.

BY THE COURT:
s/ Cheryl R. Zwart
United States Magistrate Judge